

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

WEB TRACKING SOLUTIONS, LLC. and
DANIEL WEXLER,

Plaintiffs/Counterclaim
Defendants

V.

GOOGLE, INC.

Defendant/Counterclaim
Plaintiff

Case No. 1:08-cv-03139 (RRM) (RER)

**PLAINTIFFS' ANSWER TO DEFENDANT GOOGLE INC.'S COUNTERCLAIM FOR
DECLARATORY JUDGMENT**

Web tracking Solutions, LLC. and Daniel Wexler ("Plaintiffs") submit this answer to defendant Google, Inc. ("Google").

GENERAL DENIAL

Unless specifically admitted below, Plaintiffs deny each and every allegation in Google's counterclaims.

RESPONSES TO SPECIFIC ALLEGATIONS

Plaintiffs respond to the numbered paragraphs of Google's counterclaims with the following like numbered responses:

THE PARTIES

1. Plaintiffs are without knowledge or information sufficient to admit or deny the allegations of Paragraph 1.
2. Plaintiffs admit the allegations of Paragraph 2.
3. Plaintiffs admit the allegations of Paragraph 3.

JURISDICTION AND VENUE

4. Plaintiffs admit this Court has subject matter jurisdiction over the claims. The remaining allegations of Paragraph 4 call for a legal conclusion, to which Plaintiffs are not required to respond. To the extent a response is required, Plaintiffs deny the same.

5. Plaintiffs admit jurisdiction is proper in this district. The remaining allegations of Paragraph 5 call for a legal conclusion, to which Plaintiffs are not required to respond. To the extent a response is required, Plaintiffs deny the same.

6. Plaintiffs admit venue is proper in this Court over the counterclaims. The remaining allegations of Paragraph 6 call for a legal conclusion, to which Plaintiffs are not required to respond. To the extent a response is required, Plaintiffs deny the same.

BACKGROUND FOR COUNTERCLAIMS

7. Plaintiffs admit the '409 patent was issued on September 29, 1999. The remaining allegations of Paragraph 7 call for a legal conclusion, to which Plaintiffs are not required to respond. To the extent a response is required, Plaintiffs deny the same.

8. Plaintiffs admit the allegations of Paragraph 8.

9. Plaintiffs admit they have alleged Google infringes, contributes to the infringement, and/or induces others to infringe the '409 Patents.

FIRST CAUSE OF ACTION: Declaratory Judgment of Non-Infringement

10. Plaintiffs incorporate herein by reference its answers to Paragraphs 1-9 above.

11. Plaintiffs deny the allegations of Paragraph 11.

SECOND CAUSE OF ACTION: Declaratory Judgment of Invalidity

12. Plaintiffs incorporate herein by reference its answers to Paragraphs 1-11 above.

13. The allegations in Paragraph 13 call for legal conclusions to which Plaintiffs are not required to respond. To the extent a response is required, Plaintiffs deny each and every allegation in Paragraph 13.

14. The allegations in Paragraph 14 call for legal conclusions to which Plaintiffs are not required to respond. To the extent a response is required, Plaintiffs deny each and every allegation in Paragraph 14.

15. The allegations in Paragraph 15 call for legal conclusions to which Plaintiffs are not required to respond. To the extent a response is required, Plaintiffs deny each and every allegation in Paragraph 15.

THIRD CAUSE OF ACTION: Declaratory Judgment of Unenforceability

16. Plaintiffs incorporate herein by reference its answers to Paragraphs 1-15 above.

17. The allegations in Paragraph 17 call for legal conclusions to which Plaintiffs are not required to respond. To the extent a response is required, Plaintiffs deny each and every allegation in Paragraph 17.

18. Plaintiffs deny the allegations of Paragraph 18.

19. Plaintiffs deny the allegations of Paragraph 19.

WHEREFORE, Plaintiffs respectfully request that judgment be entered in favor of Plaintiffs and the counterclaims asserted by Google be denied in their entirety, and for such further relief this court deems necessary.

Plaintiffs Demand a trial by jury.

Respectfully submitted,

WEB TRACKING SOLUTIONS, LLC.,
DANIEL WEXLER,

By their attorneys,
SIMMONSCOOPER, LLC.

Dated: December 23, 2008

By: /s/ Paul A. Lesko
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CERTIFICATE OF SERVICE

I hereby certify that on December 23, 2008, the foregoing was filed electronically with the Clerk of Court to be served by operation of the Court's electronic filing system upon the following:

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